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BRETT C. MARTIN  
1650 TYSONS BOULEVARD  
McLEAN, VA 22102

EXAMINER

PHAM, KHANH B

ART UNIT PAPER NUMBER

2177

DATE MAILED: 12/12/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/710,955

Applicant(s)

ANDERSON ET AL.

Examiner

Khanh B. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Applicant's amendment filed on November 21, 2003 has been entered. Claims 1, 18 have been amended.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Bouve et al. (US 5,682,525 A), hereinafter "**Bouve**"; and in view of Hancock et al. (US 6,202,023 B1), hereinafter "**Hancock**".

**As per claim 1**, Bouve teaches a method for searching a database in an information retrieval system, comprising the steps of:

- "creating a database for storing at least geographical location information for each of a plurality of items of interest" at Col. 2 lines 14-17;
- "receiving geographical location information corresponding to a location of a user's mobile communications device" at Col. 10 lines 28-42;
- "receiving a search request from the user, and detecting whether the request is to search the database for items of interest located in a vicinity of the geographical location of the user's mobile communication device or of a different geographical location identified by the user" at Col. 10 lines 28-42 ; and

Bouve does not explicitly teach: "information regarding the different geographical location is preconfigured by the user" as claimed. However, Hancock teaches a similar method for querying a database and providing information services to users based on their geographical location (Col. 1 lines 15-20), wherein: "information regarding the different geographical location is preconfigured by the user" at Col. 8 line 60 to Col. 9 line 10. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bouve's based on Hancock's teaching so that

"information regarding the geographical location is preconfigured by the user", in order to allow users to identify geographical location using easy to remember identifiers, or labels. For example, "Ms. Mary Smith may name her house MARY.SMITH.HOUSE. Thus, when Ms. Smith wants to direct someone using a locational service to her house, she identifies her location using MARY.SMITH.HOUSE, rather than a street address." (Hancock, Col. 8 line 60 to Col. 9 lines 3.) . This modification "are useful as it keeps user input to a minimum, increasing safety, reliability, and convenience" (Hancock, Col. 9 line 9-11.)

Bouve does not explicitly teach: "generating a search query for items of interest only within a radial distance of the geographical location identified by the user" as claimed. However, Hancock teaches a similar method for querying a database and providing information services to users based on their geographical location (Col. 1 lines 15-20), including the step of: "generating a search query for items of interest only within a radial distance of the geographical location identified by the user" at Col. 29 lines 10-14 and Fig. 17. Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to modify Bouve's based on Hancock's teaching in order to allow user to narrow the search to only the interested area, reduce network bandwidth by eliminating uninterested search results.

**As per claim 2**, Bouve and Hancock teach the method of searching a database according to claim 1 as discussed above. Bouve also teaches: "the geographical

location of the user's mobile communications device corresponds to the present location of the user's mobile communications device" at Col. 2 lines 32-52.

**As per claim 3**, Bouve and Hancock teach the method of claim 2 as discussed above. Hancock also teaches: "the geographical location information of the user's mobile communication device is determined by triangular of control signal strength received at cell towers surrounding the user's communication device" at Col. 3 lines 55-61.

**As per claim 4**, Bouve and Hancock teach the method for searching a database according to claim 2 as discussed above. Bouve also teaches: "the geographical location information of the user's mobile communication device is determined by a GPS receiver within the user's communication device" at Col. 10 line 61 to Col. 11 line 1.

**As per claim 5**, Bouve and Hancock teach the method for searching a database according to claim 1 as discussed above. Hancock also teaches: "calculating a radial distance surrounding the specified graphical location and searching for items of interest at geographical locations within the calculated radial distance" at Col. 30 lines 10-21.

**As per claim 6**, Bouve and Hancock teach the method for searching a database according to claim 1 as discussed above. Hancock also teaches: "the different geographical location specified by the user is a previous location of the user's mobile communications device" at Col. 8 lines 59-67.

**As per claim 7**, Bouve and Hancock teach the method for searching a database according to claim 1 as discussed above. Hancock also teaches: "the different geographical location specified by the user is a location known to the system and is

then personalized by the user for a future search as a personalized landmark for a radial search” at Col. 8 line 59 to Col 9 line 10.

**As per claim 8**, Bouve and Hancock teach the method for searching a database according to claim 6 as discussed above. Hancock also teaches the steps of:

- “receiving a name specified by the user for the specified geographical location; storing the specified name and corresponding geographical location information as an entry in a locations table” at Col. 8 line 59 to Col 9 line 40;
- “upon receiving a request to search for items of interest in the vicinity of a geographical location specified by name, (i) searching the locations table for the specified name, and (ii) providing the geographical location information corresponding to the specified name in a search query” at Col. 9 lines 40-65.

**As per claim 9**, Bouve and Hancock teach the method for searching a database according to claim 8 as discussed above. Bouve also teaches: “digitally encoding an audio speech signal of the specified name, wherein the digitally encoded signal identifies a specific location and is stored in the locations table” at Col. 6 lines 15-23, and Col. 10 lines 28-42.

**As per claim 10**, Bouve and Hancock teach the method for searching a database according to claim 8 as discussed above. Hancock also teaches: “the user pre-configures the locations table with geographical locations at which the user intends to search” at Col. 8 lines 60-65.

**As per claim 11**, Bouve and Hancock teach the method for searching a database according to claim 8 as discussed above. Hancock also teaches the steps of:

- “requesting a user identification before storing a specified name and corresponding location information in the locations table” at Col. 9 lines 48-65;
- “requesting a user identification before searching the locations table, wherein the specified names and corresponding locations are stored according to the user identification” at Col. 9 lines 48-65.

**As per claim 12**, Bouve teaches an information retrieval system for identifying items of interest located within a vicinity of a user-specified geographical location, comprising:

- “a database records unit for storing a plurality of information about a plurality of items of interest, including a name of each item of interest search, criteria associated with each item of interest, and a corresponding geographical location for each item of interest, and a corresponding geographical location for each item of interest” at Col. 2 lines 10-31;
- “a geographic locations processor for receiving a geographical location for searching the database records unit” at Col. 11 lines 3-14;
- “a database index for generating a search query including the geographical location” at Col. 2 lines 25-30.

The difference between Bouve’s teaching and the invention of claim 12 is that Bouve does not teach a “user-defined geographical location”. However, Hancock teaches a similar method for querying a database and providing information services to users based on their geographical location (Col. 1 lines 15-20), includes: “user-defined geographical location” at Col. 8 line 60 to Col. 9 line 10. Thus, it would have been



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obvious to one of ordinary skill in the art at the time the invention was made to modify Bouve's based on Hancock's teaching, in order to allow users to identify geographical location using easy to remember identifiers, or labels. For example, "Ms. Mary Smith may name her house MARY.SMITH.HOUSE. Thus, when Ms. Smith wants to direct someone using a locational service to her house, she identifies her location using MARY.SMITH.HOUSE, rather than a street address." (Hancock, Col. 8 line 60 to Col. 9 lines 3.) . This modification "are useful as it keeps user input to a minimum, increasing safety, reliability, and convenience" (Hancock, Col. 9 line 9-11.)

**As per claim 13**, Bouve and Hancock teach the information retrieval system according to claim 12 as discussed above. Bouve also teaches: "a question generator table for prompting a user to provide a user defined geographical location for searching the database records unit" at Col. 10 lines 28-42.

**As per claim 14**, Bouve and Hancock teach the information retrieval system according to claim 13 as discussed above. Bouve also teaches: "the question generator table provides digitized audio speech signals as prompts to a user's mobile communications device" at Col. 10 lines 28-42.

**As per claim 15**, Bouve and Hancock teach the information retrieval system according to claim 14 as discussed above. Bouve also teaches: "the information retrieval system digitally encodes responses to the prompts to create the search query in the database index" at Col. 10 lines 28-42.

**As per claim 16**, Bouve and Hancock teach the information retrieval system according to claim 12 as discussed above. Bouve also teaches: “the geographic locations processor processes user-defined location information provided by a users mobile communications device, upon receiving an indication from the user, and provides location information to a database index for generating a search query” at Col. 11 lines 1-15.

**As per claim 17**, Bouve and Hancock teach the information retrieval system according to claim 16 as discussed above. Hancock also teaches:

- “geographic locations name encoder for receiving and encoding user-specified geographic location names corresponding to geographical location information provided by a user’s mobile communication device” at Col. 8 lines 60-67;
- “a geographic location database for storing encoded user-specified geographical location names and corresponding geographical location information provided by users for future database searches” at Col. 9 lines 48-65.

6. **Claims 18-21 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Chang et al. (US 2002/0052674 A1), hereinafter “**Chang**”, and in view of **Hancock**.

**As per claim 18**, Chang teaches a method for performing a search on an information retrieval system to identify items of interest in a vicinity of a user-specified geographical location, comprising the steps of:

- “providing informative prompts to prompt a user to provide search criteria” at page 4, [0063]

- “detecting a request by the user to search for items of interest in a vicinity of the user's present location” at page 4, [0063];
- “requesting geographical location information from a user's communication network carrier, representing a present geographical location of the user's communication device” at page 8, [0113];
- “receiving geographical location information provided by the user's network carrier, and generating a search query for item of interest” at page 8, [0114]-[0116];

Chang does not explicitly teach: “generating a search query for items of interest only within a radial distance of the geographical location identified by the user, wherein the radial distance is determined such that a minimum number of search results will be identified by the search” as claimed. However, Hancock teaches a similar method for performing a search to identify items of interest in a vicinity of a user-specified geographical location (Col. 1 lines 15-20), including the step of: “generating a search query for items of interest only within a radial distance of the geographical location identified by the user, wherein the radial distance is determined such that a minimum number of search results will be identified by the search” at Col. 30 lines 10-21 and Fig. 17. Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to modify Chang's based on Hancock's teaching in order to allow user to narrow the search to only the interested area, reduce network bandwidth by eliminating uninterested search results.

**As per claim 19**, Chang and Hancock teach the method for performing a search according to claim 18 as discussed above. Chang also teaches: "the geographical location information provided by the user's network carrier is the cellular site in which the user's communication device is registered, and the information retrieval system searches for items of interest in the identified cellular site and neighboring cellular sites" at page 8, [0113].

**As per claim 20**, Chang and Hancock teach the method of searching according to claim 18 as discussed above. Chang also teaches: "the geographical location information provided by the use's network comprises geocoded geographical coordinates of the user's communication device" at page 8, [0111].

**As per claim 21**, Chang and Hancock teach the method of searching according to claim 18 as discussed above. Chang also teaches: "the user's communication device is a landline telephone, and the location information provided by the user's network is an address" at page 1, [0011].

7. **Claim 23 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Chang and Hancock as applied to claims 18-21 above, and further in view of U.S. Census Bureau ("How People Use Economic Census Data", 1996), hereinafter "Census Bureau."

**As per claim 23**, Chang and Hancock teach the method of searching according to claim 18 as discussed above. Hancock also teaches: "the radial distance is determined by business density information" at Col. 30 lines 10-20. Chang and Hancock do not teach "the radial distance is determined by business density information stored

according to zip code" as claimed. However, Census Bureau discloses the uses of Economic Census Data, include using "business density information stored according to Zip Code" at page 1, last paragraph. Thus, it would have been obvious to one of ordinary skill in the art to combine Chang and Hancock's teaching with the "business density information stored according to Zip code" so that the radial search distance could be automatically adjusted based on the Zip Code of the search area.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 24-25 are rejected under 35 U.S.C. 102(e)** as being anticipated by Hancock (US 6,202,023).

**As per claim 24**, Hancock teaches a method for performing a search on an information retrieval system to identify items of interest in a vicinity of a user-defined geographical location (See Abstract), comprising the steps of:

- "configuring a table of names of geographical locations defined by a user and geographical location corresponding to the names" at Col. 8 line 59 to Col. 9 line 10 and Col. 18 lines 45-67;

- “detecting a request by the user to search for items of interest in a vicinity of a location stored in the table” at Col. 27 lines 39-41;
- “receiving a name of a geographical location” at Col. 27 lines 22-26 ;
- “searching the table for the named geographical location and the corresponding location information” at Col. 27 lines 50-51 and Col. 11 lines 40-50;
- “generating a search query for items of interest in the vicinity of the named geographical location” at Col. 28 lines 3-8.

**As per claim 25**, Hancock teaches a method for searching an information retrieval system for items of interest in a vicinity of a user-specified location (See abstract), comprising the steps of:

- “detecting a request by a user to search for items of interest in a vicinity of a user-specified location” at Col. 27 lines 39-41;
- “determining whether the user requests to search according to the user’s present location or a location stored in a table of locations pre-configured by the user” at Col. 27 lines 39-50 and Col. 28 lines 23-28;
- “if the user request is to search according to the present location, requesting location information from a network carrier for the user’s mobile communications device” at Col. 3 lines 55-60;
- “if the user request is to search according to geographical location information provided in the pre-configured table of locations, requesting location information from the pre-configured table of locations” at Col. 28 lines 23-28;

- “generating a search query using the provided geographical location information”  
at Col. 28 lines 3-8.

### ***Response to Arguments***

10. Applicant's arguments filed November 21, 2003 with respect to claims 18-21 and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments filed November 21, 2003 with respect to claims 1-17 have been fully considered but they are not persuasive. The Examiner respectfully traverses applicant's arguments.

Applicant argued that Bouve and Hancock in combination do not teach: “geographical location is preconfigured by the user”, and therefore, user can't “configures a database with his own landmarks by identifying locations and providing his own names for them (e.g., “near Johnny's old school”)”. On the contrary, Hancock teaches this limitation at Col. 8 line 60 to Col. 9 line 3, reproduced below:

**“A PLA is a name chosen to identify a physical structure or location.** The name can be chosen by the operator of a locational service, as in the case of naming national monuments, or **the name can be chosen by individual or corporate users** of the locational service. Individuals may even want to identify their homes using their own names. Thus, a Ms. Mary Smith may name her house MARY.SMITH.HOUSE. Thus, when Ms. Smith wants to direct someone using a locational service to her house, she **identifies**

her location using **MARY.SMITH.HOUSE**, rather than a street address."

Applicant argued that Bouve and Hancock do not teach or suggest: "searching only within a radial distance of the geographical location identified by the user". On the contrary, Hancock teach this limitation at Col. 29 lines 10-15 recited below:

"Another parameter that is preferably specified by the user is a **search radius**. For example, the user can specify that the **search only include points of interest within a particular radius** from the current or **desired location**".

In light of the foregoing arguments, the 35 U.S.C 103 rejection is hereby sustained.

### ***Conclusion***

12. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(703) 305-9601** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7240.

Khanh B. Pham  
Examiner  
Art Unit 2177

KBP  
December 4, 2003

  
JEAN R. HOMERE  
PRIMARY EXAMINER